

[COUNSEL LISTED ON SIGNATURE PAGE]

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

NATIONAL ABORTION FEDERATION (NAF),

Plaintiff,

v.

THE CENTER FOR MEDICAL PROGRESS,
BIOMAX PROCUREMENT SERVICES LLC,
DAVID DALEIDEN (aka "ROBERT SARKIS"),
and TROY NEWMAN,

Defendants.

Case No. 3:15-cv-3522

Judge: Hon. William H. Orrick, III

**STIPULATION AND ORDER
REGARDING SCOPE OF
PROTECTIVE ORDER**

Date Action Filed: July 31, 2015
Trial Date:

1 Pursuant to Local Rules 7-1(a)(5) and 7-12 and Federal Rule of Civil Procedure 15,
2 National Abortion Federation (“NAF” or “Plaintiff”) and Defendants Center for Medical
3 Progress, Biomax Procurement Services, LLC, David Daleiden (collectively, “CMP Defendants”)
4 and Troy Newman (collectively, “Defendants”), file this stipulation regarding the scope of the
5 Protective Order:

6 WHEREAS, on August 26, 2015 the parties stipulated to and this Court issued a
7 Protective Order (Dkt. 92.);

8 WHEREAS, the Court issued an Order on October 16, 2015 stating that “NAF may,
9 without violating the Protective Order in this case, share portions of the defendants’ recordings
10 with specific NAF members who appear on the recordings but only to the extent that the NAF
11 member who is viewing or listening to the recording appears on that portion of the recording and
12 only to the extent that the NAF member agrees to be bound by the Protective Order in this case”
13 (Dkt. 162 at 4:15-19.);

14 WHEREAS, counsel for NAF has met and conferred with counsel for CMP concerning
15 the scope of any disclosures of audio/video covered by this Court’s Temporary Restraining Order
16 that may be potentially responsive to subpoenas served by the Office of the Arizona Attorney
17 General and the Office of the Louisiana Inspector General;

18 WHEREAS, pursuant to this Court’s October 16 Order counsel for NAF is now meeting
19 and conferring directly with representatives of the Arizona Attorney General and Louisiana
20 Inspector General pursuant to the Court’s October 16 Order (Dkt. 162 at 20-25.);

21 WHEREAS, on November 6 NAF filed an Administrative Motion Regarding Protective
22 Order and Meet & Confer With Government Entities (Dkt. 210.)

23 WHEREAS, the parties have met and conferred more generally regarding certain
24 clarifications from the Court concerning the scope of Protective Order;

25 NOW THEREFORE, IT IS HEREBY STIPULATED and agreed to by and between the
26 parties, subject to the approval of the Court, that:
27
28

1 1. NAF may, consistent with the Protective Order, share the portions of defendants'
2 recordings with attendees of NAF's 2014 or 2015 Conferences that they appear in, so long as they
3 agree to be bound by the Protective Order, as well as with any counsel for NAF members or NAF
4 conference attendees identified on the tapes who agree to be bound by the Protective Order.

5 2. The parties may, consistent with the Protective Order, discuss the content of the
6 audio/video when they meet and confer with the representatives of the Arizona Attorney General
7 and the Louisiana Inspector General concerning the subpoenas previously served.

8 3. Attorneys who are employed at or by counsel of records' law firms or who are under a
9 retainer agreement with a named party are treated the same under the Protective Order as
10 attorneys who have formally appeared.

11 4. Named parties who agree to be bound by the Court's Protective Order are permitted to
12 review deposition transcripts that would otherwise be attorney's eyes-only.

13 5. NAF hereby withdraws its Administrative Motion Regarding Protective Order and
14 Meet & Confer With Government Entities.

1 Dated: November 10, 2015

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ATTESTATION OF E-FILED SIGNATURE

I, Derek F. Foran, am the ECF User whose ID and password are being used to file this STIPULATION REGARDING FILING OF AMENDED PLEADING. In compliance with General Order 45, X.B., I hereby attest that Derek Foran, Steven Wood, Erik Zimmerman, and Catherine Short concur in this filing.

Dated: November 10, 2015

/s/ Derek F. Foran
DEREK F. FORAN

ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: November 12, 2015

W. H. Orrick, III

Honorable William H. Orrick, III

United States District Court